

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections and Civic Affairs, to which was referred House Bill No. 1980, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 3, after "applies" insert "**after December 31, 2003,**".
- 2 Page 1, line 13, delete "choose a" and insert "**substitute a uniform**".
- 3 Page 1, line 13, delete "other".
- 4 Page 1, line 14, delete "than" and insert "**prescribed by the**
- 5 **commission for**".
- 6 Page 1, line 15, after "ballot" insert ".".
- 7 Page 1, line 15, delete "or to serve any other purpose required by".
- 8 Page 1, delete line 16.
- 9 Page 2, after line 40, begin a new paragraph and insert:
- 10 "SECTION 4. IC 3-12-3-5 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a ballot
- 12 card is damaged or defective so that it cannot properly be counted by
- 13 the automatic tabulating machines, then a remake team composed of
- 14 one (1) person from each of the major political parties of the county
- 15 shall have the card prepared for processing so as to record accurately
- 16 the intention of the voter insofar as it can be ascertained.
- 17 (b) If the ballot card voting system is designed to allow the counting
- 18 and tabulation of votes by the precinct election board, the members of
- 19 the remake team must be members of the precinct election board in
- 20 which the ballot was cast.
- 21 (c) If necessary, a true, duplicate copy shall be made of the damaged

1 ballot card in the presence of witnesses and substituted for the damaged
 2 card. Similarly, a duplicate ballot card shall be made of a defective
 3 card, not including the uncounted votes.

4 (d) **This subsection applies to an absent uniformed services voter**
 5 **permitted to transmit an absentee ballot by fax under IC 3-11-4-6.**
 6 **To facilitate the transmittal and return of the voter's absentee**
 7 **ballot by fax, the county election board may provide the voter with**
 8 **a paper ballot rather than a ballot card. The paper ballot must**
 9 **conform with the requirements for paper ballots set forth in**
 10 **IC 3-10 and IC 3-11. After the voter returns the ballot by fax, a**
 11 **remake team appointed under this section shall prepare a ballot**
 12 **card for processing that accurately records the intention of the**
 13 **voter as indicated on the paper ballot. The ballot card created**
 14 **under this subsection must be marked and counted as a duplicate**
 15 **ballot under sections 6 through 7 of this chapter.**

16 (e) If an automatic tabulating machine fails during the counting and
 17 tabulation of votes following the close of the polls, the county election
 18 board shall immediately arrange for the repair and proper functioning
 19 of the system. The county election board may, by unanimous vote of its
 20 entire membership, authorize the counting and tabulation of votes for
 21 this election on an automatic tabulating machine approved for use in
 22 Indiana by the commission:

23 (1) until the repair and retesting of the malfunctioning machine;
 24 and

25 (2) whether or not the machine was tested under IC 3-11-13-26.

26 **SECTION 5. An emergency is declared for this act."**

27 Renumber all SECTIONS consecutively.

(Reference is to HB 1980 as printed February 21, 2003.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Lawson C, Chairperson